Express Mail No. EV022367635US Appeal Brief for Appl. Ser. No. 09/493,871 Atty. Docket No.: 11714-P02

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Jerry Cohen Reg. No. 20,522

UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Appellants:

Christopher Evans

Examiner:

Mitra Aryanpour

Serial No.:

Richard Evans 09/493,871

Art Unit: Filed:

January 28, 2000

Title:

APPARATUS AND METHOD FOR SOCCER TRAINING AND

PRACTICE

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3711

TO: Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Brief for Appellants

Sir:

This is an appeal from the Final Rejection dated September 22, 2004 of claims 7-11 in the above-identified application. This appeal is accompanied by a petition for a one-month extension for filing this appeal brief and an associated small entity fee specified under 37 CFR 1.17(a)(1), plus the appropriate current small entity brief filing fee under 37 CFR 1.17(c). No further fees are believed to be required, however, if any fee is deemed to be required, the Director of Patents and Trademarks is hereby authorized to charge such fee or to credit any overpayment of fees to Deposit Account No. 03-2410 (Order 11714-1).

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REAL PARTY OF INTEREST

The real parties of interest are Christopher Evans of Arlington, MA, and Richard Evans of Medford, MA, co-founders and co-owners of Soccer Edge, Inc., having offices in Boston, MA. The parties have not assigned the application to the corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Original claims 1-4 and added claims 5-6 were canceled. Added claims 7-11 remain pending in this application. The claims currently on appeal are claims 7-11, which were finally rejected. No claims have been allowed. A copy of the claims on appeal is provided in the Claims Appendix.

STATUS OF AMENDMENTS

No amendments have been made after the Final Rejection dated September 22, 2004. A supplemental Declaration under 37 CFR 1.132 was submitted with the Notice of Appeal filed February 22, 2005, and received by the U.S. Patent and Trademark Office on February 25, 2005. The Declaration provides recent sales data necessary to Appellants' arguments related to commercial success of an embodiment of the presently claimed invention. A copy of the Declaration under 37 CFR 1.132 is provided in The Evidence Appendix.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 7 and 11 are involved in this appeal. Claims 8-10, which depend from claim 7, are also involved in the appeal and are to be argued as a group with claim 7. Additional arguments are made for independent claim 11.

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The present invention as described and claimed comprises a soccer ball practice apparatus with a full range of kicking options as to direction and force, but consistent with strong ground-adhering properties, made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.

As recited in independent claim 7, shown in Figures 6 and 7, and discussed on page 9, lines 5 through 20 of the specification, the device includes a tie down stake that has a spiraled lower portion (120) to be inserted into the ground, and a circular upper portion (holder 125) to which is mounted loosely a tethering ring (130) that is able to travel along a substantial part of the circular upper portion (125). The ring (130) holds a multi-part tether line (as shown in Figure 1 and discussed at page 6, line 6, through page 7, line 2) to the tie down stake. A handle (135) under the circular upper portion (125) prevents the ring (130) from spiraling down the spiraled lower portion (120.) The tether line that connects the tie down stake to the ball net (85) has an elastic portion (75) and a non-elastic portion (drawstring 80), and is allowed to rotate freely about its own axis by means of a detachable link (55) including a swivel-eyebolt (70) between the ring and the tether line.

Dependent claim 8 is drawn to an embodiment wherein the handle (135), as shown in Figure 7, is seated at ground (140) level after the spiraled lower section (120) has been fully inserted into the ground, such that the handle will not interfere with the ball's motion during a user's kick.

Dependent claim 9 is drawn to an embodiment wherein the removable swivel, as discussed on page 4, lines 22-25, is an eyebolt connection that allows the tether a 360° spin for the ball about the axis of the tether line.

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Dependent claim 10 is drawn to an embodiment wherein the inelastic portion (drawstring 80) of the tether line is attached to the ball net, while the elastic portion is attached to the swivel connection.

Independent claim 11 recites an improved soccer ball tethering and rebounding system that allows a full range of movement through the air and free open and roll for the soccer ball. The improved system is comprised of: the spiral tie down stake; a handle which projects orthogonally from the stake and which lies flat on the ground when the stake is fully inserted into the ground; a clip link with an operable ring element rotatable about a central link axis and clippable to the connector ring of the stake; a tether line as described above; and a netted bag and ball net mechanism that, together with the rotatable ring allows a 360° movement range to simulate soccer play.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 7-11 were rejected under 35 U.S.C. § 103(a), as being unpatentable over US Patent 4,147,353 to Moore (the '353 patent) in view of US Patent 4,720,095 to Sowards (the '095 patent) and US Patent 5,957,789 to Ainscough, et al. (the '789 patent.)

ARGUMENT

The issues on this appeal relate to the applicability of obviousness on standards of the patent law. The arguments presented below apply equally to independent claims 7 and 11, and dependent claims 8-10, as a group of claims.

A. Objective Evidence of Secondary Considerations Rebut any Prima Facie Case of Obviousness of the Claimed Invention over the Cited Art

The Final Office Action (mailed 22 September 2004), rejects independent claims 7 and 11 and dependent claims 8-10 as obvious over the '353 patent in view of the '095 patent and the '789 patent. Even assuming, arguendo (by no means conceded and argued below), that a *prima*

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facie case for obviousness has been stated, Appellants contend that the objective evidence that has been submitted to rebut the Examiner's assertion of *prima facie* obviousness of claims 7 and 11 has not been afforded sufficient weight and overcomes any such asertion.

Objective evidence of nonobviousness includes commercial success, long felt but unresolved need, the failure of others to invent, see Graham v. John Deere Co., 383 U.S. 1, 17-19 (1966), and licenses showing industry respect for the invention, see Arkie Lures, Inc. v. Gene Larew Tackle, Inc., 119 F.3d 953, 43 USPQ2d 1294 (Fed. Cir. 1997), among other factors.

Appellants have submitted evidence of commercial success and endorsement by an independent, national soccer organization of a commercial embodiment of the claimed invention, as well as the failure of others to achieve an effective rebounding soccer trainer.

1. The Claimed Invention has Achieved Commercial Success in the Market

Appellants have presented evidence of commercial success of a rebounding soccer trainer embodiment (the Soccer Edge® trainer) of the claimed invention. Year-after-year sales growth evidencing adoption of the trainer by end users and retail outlets as a preferred soccer trainer has been provided in the form of Rule 132 declarations executed by one of the Appellants as follows:

- (a) a 05 June 2002 declaration (Exhibit 1, pages 19-23) describing an initial order of 100 and a reorder of 1000 Soccer Edge[™] units by the Sports Authority[™] sporting goods store, and sales of 1380 units to another sporting goods store, including two reorders;
- (b) a 14 October 2003 declaration (Exhibit 2, pages 24-36) describing, and reflecting in appendices thereto, growth in sales to over 10,000 units sold to eight customers as of September 2003, including numerous reorders;
- (c) a 15 June 2004 declaration (Exhibit 3, pages 37-63) describing, and reflecting in appendices thereto, growth in sales to over 25,000 units, and placement of the device in over 800 stores, with more sales in the first five months of 2004 than all of 2003;
- (d) a 22 February 2005 declaration (Exhibit 4, pages 64-67) describing growth of sales to over 36,000 units, and placement of the device in over 1,000 stores, including multiple restocking orders.

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These data demonstrate year-after-year sales growth which can only be attributable to superior performance of the invention as a result of the features recited in independent claims 7 and 11, as the limitations fully describe the commercial embodiment of the invention. The declarations describe how, in the same time period, a number of competing soccer trainers, such as the Star KickTM, SoccerPal®, PenaltyMaster® (which uses a croquet-type wicket and a straight peg as anchoring means, as shown in Exhibit 2, page 36), SoccixTM (which uses two croquet-type wickets, as shown in Exhibit 3, page 60), Brine SkillmasterTM, and Kwik KickTM, and Iso-TrainerTM, have been introduced into the market with no measurable diminution of Appellants' sales. None of the competing products have the full combination of features as recited in any of claims 7-11 herein. In fact, the Kwik Kick Speed BallTM trainer had been selling at The Sports AuthorityTM sporting goods retail chain until the Appellants' Soccer Edge® training device was introduced to the market. The Kwik Kick is no longer for sale at The Sports Authority, while the Appellants' trainer has been rolled out to all of their stores. A commercial embodiment of the '789 patent was offered for sale through TV home shopping channels but was not a durable product, and has little, if any, market presence today.

The declarations further discuss how the commercial success can only be attributed to merit of the product as apprised by sophisticated retail customers, how the Appellants' company cannot afford significant marketing/advertising and has no sales employees, how they have no leverage of other products to use to gain shelf space in the retailers' stores, and how the sales that occurred at the retail level were without any prompting of end users by the Appellants.

2. The Claimed Invention has been Accepted by Knowledgeable Parties in the Field

The Appellants have also submitted objective evidence, through the Rule 132 declaration of 14 October 2003 (Exhibit 2), that they have received positive feedback from soccer coaches, and that the commercial product embodiment of the claimed invention is the Official Licensed Bungee Soccer Trainer of the U.S. Soccer Federation, the governing body of organized soccer in the United States.

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3. Others Have Failed to Invent a Solution Pointing to the Present Invention

The Appellants have also submitted objective evidence of the failure of others in the field. The art as a whole fails to recognize the presently claimed solution for strongly securing in a minimally-interfering way a retrieval-type soccer kick practicing device that provides realistic ball motion (i.e., lift and roll) and true 360° range of kicking ability. This failure is evidenced by competitor products. Submitted in the 14 October 2003 declaration (Exhibit 2) were copies of pages of the Sept.-Oct. 2003 EurosportTM soccer equipment catalog reflecting currently marketed soccer kick practicing equipment. One of the non-rebounder devices shown is the PenaltymasterTM. The Directions for Use of the PenaltymasterTM (provided as Appendix C to the declaration) reflects the recognition on the behalf of its developers that straight pegs may be dislodged from the ground upon a kick, yet does not propose the combination of elements recited in Appellants' claims 7 and 11.

Yet further evidence of the nonobviousness of the present invention is found in the 1989 Recall Announcement from the U.S. Consumer Product Safety Commission related to a Franklin SportsTM soccer trainer that employed a soccer ball net connected to an elastic string with a 10.5" straight metal ground spike to anchor the product, a copy of which was included in Appendix C of the declaration (Exhibit 2, page 63). Appellants contend that if the spiraled design is as obvious as asserted in the Final Office Action, the risk of injury presented by the Franklin product would have been anticipated and prevented in the product's designing, or in the recall actions undertaken (*i.e.*, Franklin retrieved its straight stakes rather than replace them with spiraled ones.)

4. Claims 7-11, as Demonstrated by Objective Evidence, as Nonobvious

The rationale for giving weight to 'secondary considerations' is that they provide objective evidence of how a device is viewed in the marketplace, by those directly interested in the product. see Demaco Corp. v. F. Von Langsdorff Licensing Ltd., 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988), cert. denied, 488 U.S. 956 (1988.) Appellants respectfully contend that they have offered sufficient objective evidence such that, under a Graham analysis, any assertion

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of *prima facie* obviousness has been clearly rebutted. Thus, Appellants maintain that claims 7 and 11, as well as claims 8-10 that depend from claim 7, are nonobvious.

B. There is a Lack of Motivation, Suggestion or Teaching in the References or in the Knowledge Generally Available To One of Ordinary Skill In The Art, To Combine the References to Achieve the Presently Claimed Trainer Invention

1. There is no motivation in the references themselves for such a combination.

(a) As the Final Office Action (mailed September 22, 2004) states on page 2, regarding independent claims 7 and 11, the '353 patent teaches a tie-down stake (tent stake 1) having a (non-spiraled) lower portion and a circular-shaped upper portion, a S-shaped metal hook (not a ring) on the upper portion, a means comprising sewn straps for securing a soccer ball tied to a tether line, wherein the tether line has one section which is elastic and another section that is inelastic, and a means for enabling the tether line to rotate about its own axis (brass swivel 3.) The '353 patent fails to teach, however, the use of various types of stakes including spiraled stakes, the use of a net as the means for securing the ball, or providing a removable swivel means.

While stakes having spiraled lower portions and rebounding type soccer trainers are known in the art, the fact that all elements of the Appellants' invention are individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993); *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000). There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings. See *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1276, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004).

Appellants respectfully contend that there is no teaching in the '353 patent or in the '095 patent that expresses the desirability of modifying the apparatus of the '353 patent by using a net as a holding means, a elastic-inelastic tether line, and a spiraled-type stake such as taught by the '095 patent, and that only through impermissible hindsight can such a combination be made. The '095 patent discloses a mounting means that allows the target (*i.e.*, soccer ball) "to move but

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retaining the target in substantially its original position where it can be repeatedly kicked."

(Abstract) The '095 system limits the ball motion to rocking about ring 118 in a circular arc movement (Figure 10) or spring 42 twisting (Figure 1). There is no significant range of motion and no opportunity in the '095 apparatus (or in the '789 system, for that matter) to simulate a true soccer pass or kick on goal and see a realistic motion of the ball. Furthermore, the '095 patent describes as inferior and teaches away from (at column 1, lines 13-24) the use of rebounding trainers such as the '353 apparatus (and the presently claimed invention), stating that the long cords of such trainers pose a hazard and that the slow return time does not allow a user to develop the quickness and coordination crucial to playing soccer. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983.)

(b) The Appellants respectfully challenge a number of the assertions made in the Final Office Action. The Final Office Action combines the teachings of the '353 patent with those of the '789 patent of a removable swivel-eye bolt, the asserted motivation being in order to provide an efficient connection and for allowing the ball to freely rotate 360 degrees without the cord winding upon itself. Further, the Action also asserts, in the Response to Arguments section on page 4, that the '353 apparatus provides "a strong ground-connection" and that the '789 apparatus provides a realistic ball motion and true 360 degree range of kicking with minimal interference.

Appellants indicate that the post extending upward from ground in the '789 system interferes with a 360 degree range of kicking, and that the user would like to kick the ball straight ahead of herself up and <u>over</u> the post but is prevented from doing so. The rubber arm extending out from the top of the post to the tether does not allow the user to kick 360 degrees over the post and attempting to do so will only cause the ball to spin 360 degrees <u>around</u> the post, which is not a true representation of play.

With respect to the Examiner's assertion that the '353 apparatus provides a strong ground connection, the Appellants point to the Franklin soccer trainer recall discussed above, which involved a trainer employing tent stakes that was deemed hazardous because the tent type stakes were dislodging from the ground, contradicting with objective evidence the Examiner's assertion.

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Additionally, the '789 patent fails to supply the motivation to combine the cited references. The apparatus disclosed in the '789 patent is also not a rebounding type soccer trainer, and no anchoring means is described at all; the pole to which the tether is attached is disclosed only as a rigid support with no apparent anchor. The '789 patent also teaches away from the use of a tether line having an elastic portion (*see* col. 1, ll. 30-42) as in the presently claimed invention, stating

"By the term 'substantially inelastic' in describing the cord [sic] is meant that the fibers or strands forming the cord experience very little stretching or expansion other than a tensile or compression force which tightens or loosens the fit between adjacent fiver or strands. This cord is in contrast to a bungee cord which stretches substantially under a tensile force."

A pole 46 or 66 is provided in all of the '789 patent embodiments of Figures 1-6 and related text and the connection to the tether is located near the top of the pole rather than at ground level. The pole 46 or 66 interferes with ball movement and such interference and an inelastic tether limits realistic simulation of soccer play. The inelastic string rotates around the pole and may get wound up, there, contrary to the assertion made in the Action.

2. There is no motivation in the knowledge generally available to one or ordinary skill in the art, or in the nature of the problem to be solved, for such a combination.

Motivation to combine prior art references may exist in the nature of the problem to be solved (Ruiz at 1276, 69 USPQ2d at 1690) or the knowledge of one of ordinary skill in the art (*National Steel Car v. Canadian Pacific Railway Ltd.*, 357 F.3d 1319, 1338, 69 USPQ2d 1641, 1656 (Fed. Cir. 2004)).

The Examiner asserts, on page 3 of the Final Office Action, that such motivation exists in the fact that "it would secure the tethered-ball assembly more securely to the ground." The assertion presupposes that one of ordinary skill in the art would have recognized that the undesired dislodging of tent-stake type anchoring means for rebounding-type soccer trainers was a problem to be solved. This supposition is belied by: (a) the distinct principles of operation between the apparatus of the '353 and '095 patents that lead to distinct securing requirements;

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and (b) evidence previously submitted (and discussed above) of the failure, prior to the filing of the present application, of other rebounding-type soccer training device manufacturers to employ spiraled stakes, which consequentially led to market recalls of such training devices that utilized tent stakes.

The '353 patent discloses a rebounding type soccer trainer having only tent stake type anchoring means (Figure 10), not recognizing that kicks from stronger soccer players would need a more secure anchoring means. The apparatus of the '095 patent, in contrast, operates on the principle of keeping the soccer ball's position relatively static (it does not have a tether cord.) (see the Abstract of the '095 patent.) Thus, the apparatus of the '095 patent understandably needs a more secure stake, because the energy delivered by the user's kick is directly and immediately absorbed by the anchoring means and the S-ring connecting the ball to the anchoring means. This is in contrast to the operation of rebounding trainers, such as disclosed in the '353 patent (and in Appellant's application), wherein the energy of a user's kick is first converted into the kinetic and anti-gravitational energy required to launch the ball, and then into potential energy stored in the stretched elastic portion of the tether cord and mechanical energy pulling on the spiraled stake.

Rebounding type soccer trainers provide a much closer approximation of normal game play than the systems of either of the '095 or '789 patents. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the '095 or '789 devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the '095 device. With the '789 device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice. The '095 and '789 devices do not permit the visual feedback young players need. They need to see if their kicking practice is producing the desired results. By using an elastic tether the present invention allows the player to see the results of the kick in terms of velocity, trajectory, height and direction. These results are impossible to judge with the '095 and '789 devices and they are of central, crucial importance to a training device.

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Thus, Appellants respectfully contend that, prior to Appellant's invention, the unintended dislodging of anchoring stakes from the ground in rebounding-type soccer trainers had not been recognized as a problem to be solved by persons of ordinary skill in the art. Further, Appellants contend that the relatively low level of sophistication of the technology favors a finding of a lower level of skill of ordinary persons in the field which, in turn, favors Appellant's position of nonobviousness.

Stated again, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability to combine the elements in the specific manner in which the elements are claimed by the applicant. *Kotzab*, at 1370; *In re Dance*, 160 F.3d at 1343; *In re Gordon*, 733 F.2d at 902. The motivation to combine may come explicitly from the references themselves, from the knowledge of one of ordinary skill in the art, or, in some cases the problem being solved. *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1616 (Fed. Cir. 1999). As shown above, the references themselves, the knowledge of one of ordinary skill in the art, or, the problem being solved does not provide the motivation to combine the teachings of the '353 patent disclosing a rebounding apparatus with the teachings of the '095 and '789 patents disclosing non-rebounding systems. The principles of operation of the systems differ in ways that are important to novel aspects of the presently claimed invention, the strong ground-adhering quality and the provision of a full range of ball kick motion. The references themselves do not provide the motivation for such a combination, nor do the low level of knowledge of one of ordinary skill in the art or the problem being solved.

Thus, independent claims 7 and 11 are nonobvious in light of the cited art. Claims 8-10 depend from independent claim 7. If an independent claim is nonobvious, claims that depend from the independent claim are also nonobvious. *In re Fine*, 837 F.2d 1071, 1071; 5 USPQ2d 1596 (Fed. Cir. 1988).

CONCLUSION

It is clear from the information presented above, including the Rule 132 Declarations, that a *prima facie* case of obviousness of claims 7-11 has either not been established, or if one has been established, it has been rebutted, as the analysis under *Graham* shows, by the objective

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evidence, previously submitted by the Appellants of commercial success, adoption by persons knowledgeable in the field, and by the failure of others to invent a solution as provided by the claimed invention to the problem of providing effective rebounding soccer trainers. Thus, the rejections of claims 7-11 under 35 U.S.C. §103 are negated.

In summary, Appellants respectfully submit that claims 7-11 are clearly patentable for the aforesaid reasons and thus request this Honorable Board to reverse the decision of the Examiner.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner upon consideration of this Appellants' Brief:

JERRY COHEN

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Dated: May 23, 2005

Respectfully submitted,

CHRISTOPHER EVANS, et al.

By:

Jerny Cohen

Reg\\No. 20,522

Attorney for Appellants

Claims Appendix

1-6. (canceled)

á

- 7. (previously presented) An apparatus for holding a soccer ball, comprising:
 - a) a tie down stake having
 - i) a spiraled lower portion to be inserted into the ground; and
 - ii) a circular-shaped upper portion;
 - b) a ring mounted loosely on said circular-shaped upper portion, said ring able to travel along a substantial portion of said circular-shaped upper portion, said ring to hold a tether to said tie down stake;
 - c) a handle under said circular-shaped upper portion;
 - d) a tether line which has one section which is elastic and another section which is non-elastic; and
 - e) means for securing the soccer ball in a minimally interfering way with kicking,
 the securing means comprising a net for holding the ball tied to the inelastic
 section of the tether line, the tether line being tied at its ends to, and
 extending between, the ring and said means for securing; and
 - f) means for enabling the tether line to rotate about its own axis, comprising a removable swivel connection between the ring and the tether line.
- 8. (previously presented) The apparatus of claim 7 wherein the handle projects from the stake and is constructed and arranged for seating at ground level when the spiraled lower portion of the stake is fully inserted into the ground.
- 9. (previously presented) The apparatus of claim 7 wherein the removable swivel eye connection comprises a swivel eye bolt with a longitudinal axis, hookable to and removable from said ring and fixed to an end of the tether line and rotatable about its own axis.
- 10. (previously presented) The apparatus of claim 7 wherein one portion of the tether line is elastic and the other inelastic the latter being connected to the securing means and the

former to said swivel connection.

- 11. (previously presented) In a soccer ball tether system with an elastic line for tethering a soccer ball to be kicked to an extent allowable by the extended line and returned to an original kicking point, the improvement comprising:
 - a tie down stake with a spiral shank portion joined to a circular top ring portion with a handle located at the junction of said portions and projecting orthogonally to the stake and tied thereto and being constructed to enable functioning as a handle for turning the stake to screw the spiral portion into the ground with the handle flat on the ground after full entry of the spiral portion into the ground with the handle projecting, and the ring portions projecting above the ground,
 - a clip link with an operable ring element for clipping and unclipping to the ring portion of the tie down stake, with free motion of the ring element to move around the ring portion, the clip link or having a further ring portion to which the end of the tether line can be reversed, the far end of the tether line having a net bag portion secured thereto via a drawstring, the bag being sized for holding a soccer ball, the said further ring portion being rotatable about a central link axis,
 - the thus improved apparatus having a full range of movement through the air and free open and roll for the soccer ball in the net simulating soccer play, due to the 360° movement range of the complex ring element/turn portion, 360° range of the further ring portion and the drawstring extension between tether line and net bag contained ball.

The Evidence Appendix

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APPENDI В

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Christopher Evans, et al.

Exam. M. Aryanpour Group Art Unit: 3711

Serial No. Filed

For:

09/493,871 APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE January 28, 2000

RULE 132 DECLARATION

The undersigned declarant, a co-inventor/co-applicant in the above identified application states:

- I have reviewed the above application and its parent as filed and amended including the proposed claims before the Examiner and all record references and PTO actions (1) and state the following regarding the invention of the present application in relation
- The present invention as described and claimed comprises a soccer bell practice apparatus made as a combination of a tether line including an elastic section, a net (2)container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus. The principal reference, Ainscough et al., rejects an elastic tether line or the like.
- (3) The patentees state at col. 1, II. 30-43 to "substantially inelastic" (col. 2, 1, 28).

By the term 'substantially inclastic' in describing the cord is meant that the fibers or strands forming the cord experience very little stretching or expansion other than a tensile or compression force which tightens or loosens the fit between adjacent fiber or strands. This cord is in contrast to a bungee cord which suetches substantially under a tensile force.

Further, a pole 46 or 66 is provided in all of the embodiments of FIGS. 1-6 and related text and in a commercial embodiment of it I have seen in the past and the point of the tether is high up rather than at ground level. Note, also, objection in the reference to anchoring and distant kicking (col. 1, il. 21-42). In contrast the present invention affords a clear field of kicking above ground level in several directions

Jun-05-02 18:42

From-PERKINS, SMITH

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and return to the vicinity of the practice kicker. In the Ainscough et al. system the pole 46 or 66 interferes with ball movement and such interference and an inelastic tether limit realistic simulation of soccer play. But the reference asserts its own contrary features arguing for alleged offsetting advantages.

- The Sowards reference has a similar objection to tethering and anchoring as in the presently recited invention, limiting the ball to rocking about ring 118 in a circular (4) arc movement (FIG. 10) or spring 42 twisting (FIG. 1). There is no significant range of motion and no opportunity in Sowards' apparatus or in Ainscough et al., as described in their patents and as observed by me in commercial ambodiments of their inventions, to simulate a true soccer pass or kick on goal and see a realistic motion of the ball. Sowards also objects to prior art (col. 1, ll. 13-24) tethering a soccer ball to an anchor on the basis that the tether causes a slow return time. This objection is solved by the current invention by varying the length and/or the thickness of the elastic tether. Contrary to Sowards' assertions, I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." While I (and my co-inventor - my brother Richard Evans) agree with the Ainscough et al. objection to the limitations of Dudley (USP 5,620,186) wrapping a cord around the anchor, like Sowards, Ainscough et al. are off the mark with respect to the elastic tethered ball not being available for contact with the player's foot. It is available as we have demonstrated over and over (and as others have demonstrated too with an embodiment of the invention; see below).
 - My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past, **(5**) including devices corresponding to the Sowards and Ainscough et al. patents' disclosures. The presently recited invention provides a much closer approximation of normal game play than the system of either Sowards or Ainscough et al. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. With the Ainscough et al. device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice. The Sowards and Ainscough et al. devices do not permit the visual feedback young players need. They need to see if their kicking practice is producing the desired

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From-PERKINS, SMITH

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results. By using an clastic tether the present invention allows the player to see the results of the kick in terms of velocity, trajectory, height and direction. These results are impossible to judge with the Ainscough et al. and Sowards devices and they are of central, crucial importance to a training device. This feedback feature is they are of applicants' use of the elastic cord that Ainscough et al. and Soward reject. The Shachner and Ring references applied along with Sowards and Ainscough et al. in the final rejection of the above application have also been studied and can only provide a combination with Sowards and Ainscough by ignoring teachings of the principal references.

- My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below. We have provided to the Examiner an actual training apparatus commercial product of our company corresponding to the presently described and claimed invention. [Soccer EdgeTM Bungee Cord Training Tool]. We have also provided several sheets copied from the back of a package for the Kwik Kick Speed BallTM ("A Punching Bag for the Feet") a commercial embodiment of the Sowards invention. A commercial embodiment of the Ainscough et al. invention was offered on TV home shopping but was not a durable offering and has little, if any, market presence today as far as Applicants are aware. Soccer coaches have approved our Soccer EdgeTM device favorably. We also sell well against Soccer Fal TM, an apparatus based on USP 5,083,797 granted January 28, 1992 to Vartja et al. (also of record in this application). The described and presently claimed invention makes a distinct contribution to the art and all the evidence within the Sowards and Ainscough et al. references.
 - The favorable marker response to the commercial embodiments of the present invention includes an initial order for 100 units about a year ago by the Sports Authority sports store chair for use in a pilot run in selected stores of the chain, and recently a reoder for 1000 units for use in 50 stores, with a prospect of later reorders for placement through this customers' 200 plus U.S. stores. We have also sold the product to MC sports in Fall 2001 (240 units), Spring 2002 (360 units), Summer 2002 (780 units). Both customers are reordering based on success with earlier units.
 - (8) The commercial success can only be attributed to merit of the product as apprised by these sophisticated retail customers. Our company cannot afford significant marketing/advertising. We have no sales employees. We have no leverage of other products to use to gain shelf space. The sales that occurred at the retail level were without any prompting of end users by us. We know of no returns or complaints at the end user level. (These situations if occurring would be likely come to our attention via the retail chains). Our Soccer Edge brand product had good sell-

FROM:

Jun-05-02

PHONE NO. : 6172670210

Jun. 06 2002 09:33AM P5

P.005/008 F-139

18:43

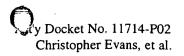
Arry Docket No. 11714-P02 Christopher Evans, et al.

through in multiple stores and we are informed that it outsold Kwik Kick Speedball in those stores during the trial period.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and than such willful false statements may jeopardize the validity of the application or any patent issued

Respectfully submitted.

Dated: June 6, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Christopher Evans, et al.

Exam. M. Aryanpour

Serial No.

09/493,871

Group Art Unit: 3711

Filed:

January 28, 2000

For:

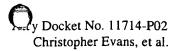
APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE

RULE 132 DECLARATION

The undersigned declarant, a co-inventor/co-applicant in the above identified application states:

- I have reviewed the above application and its parent as filed and amended
 including the proposed claims before the Examiner and all record references and
 PTO actions and state the following regarding the invention of the present
 application in relation to prior art.
- 2. The present invention as described and claimed comprises a soccer ball practice apparatus made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.

- 3. My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past. The presently recited invention provides a much closer approximation of normal game play than the systems of the cited art, while minimizing the possibility that a user's kick will dislodge the soccer ball from of training equipment. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. With the Ainscough et al. device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice. With the Moore device, a kicker may unintentionally pull the tent stake from the ground with her kick, the partial webbing/elastic band ball holding mechanism will not provide true ball motion, and its additional weight will further inhibit the ability to get "lift" under the ball.
- 4. My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below and in my previously-filed declaration. We are the Official Licensed Bungee Soccer Trainer of the U.S. Soccer Federation, the governing body of organized soccer in the United States.
- 5. We have previously provided information regarding the commercial success of our Soccer Edge® device in comparison to commercial embodiments of the Sowards and Ainscough, et al., inventions. Supplementing the previously-filed commercial success data is, appearing as Appendix A hereto, a Sales Analysis for the Soccer



Edge® device, reflecting over 10,000 units sold to eight customers as of September 2003. This list includes re-orders from customers, one of which has re-ordered units from us for three years. This further evidences the distinct contribution the described and presently claimed invention makes to the art.

- 6. The commercial success can only be attributed to merit of the product as apprised by these sophisticated retail customers. Our company cannot afford significant marketing/advertising. We have no sales employees. We have no leverage of other products to use to gain shelf space. The sales that occurred at the retail level were without any prompting of end users by us. We have had only 20 returns and no complaints at the end user level. (These situations if occurring would be likely come to our attention via the retail chains).
- 7. Provided as Appendix B hereto are copies of pages of the Sept.-Oct. 2003

 EurosportTM soccer equipment catalog reflecting currently marketed soccer kick practicing equipment. One of the non-rebounder devices shown is the PenaltymasterTM. The Directions for Use of the PenaltymasterTM (provided as Appendix C hereto) reflects the recognition on the behalf of its developers that straight pegs may be dislodged from the ground upon a kick. This also further evidences the fact that the described and presently claimed invention provides an unobvious solution (*i.e.*, the use of a spiraled tie down stake) to a problem still not recognized by some soccer trainer equipment artisans.
- 8. The art as a whole fails to recognize the need for strongly securing in a minimally-interfering way a retrieval-type soccer kick practicing device that provides realistic ball motion (i.e., lift and roll) and true 360° range of kicking ability. Each of the applied references fails individually and in the aggregate to do so. I incorporate my discussion of the Ainscough, et al., and Sowards references' failure to teach or suggest the presently claimed invention, made in my previous declaration and responses. The Moore reference depicts and describes only a



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"suitable anchor" consisting of a tent stake, and a ball holder mechanism comprised of four orthogonally arranged pieces of webbing and an elastic band securing them to the ball. The former will not provide the sufficient securing force to accommodate stronger kickers, and the latter will not provide true soccer ball motion, as the presently claumed invention provides.

9. I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." The present invention also provides truer ball monon, absolutely necessary for young players developing their kicking skills.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: October 14, 2003

CHRISTORIUM EXTAX

PHONE NO. : 6172670210



Sep. 26 2003 08:47AM P2

08:29:10 AM

SoccerEdge SALES ANALYSIS BY ITEM REPORT 1/ 1/03 To 9/30/03

ITEM / DATE	_ <u>T1</u>	CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT					
SOCCEREDGE - SoccerEdge											
2/26/03	CI	DUNHAM	00001081	960	960	7,680.00					
2/27/03	CI	GSI	00001075	20	20	160.00					
2/27/03	CI	MCSPORTS	00001076	360	360	2,880.00					
3/ 7/03	CI	TSA	00001077	160	160	1,280.00					
3/ 7/03	CI	TSA	00001078	20	20	160.00					
3/ 7/03	CI	TSA	00001079	7	7	56.00					
4/ 8/03	CI	COPELAND	00001080	144	144	1.080.00					
5/ 9/03	CI	TOYSRUS.CO	00001082	40	40	320.00					
5/ 9/03	CI	TOYSRUS.CO	00001083	120	120	960.00					
5/ 9/03	CI	TOYSRUS.CO	00001084	40	40	320,00					
5/28/03	CI	GSI	00001085	20	20	160.00					
6/11/03	CI	SPORTCHALE	00001087	180	180	1,440.00					
6/18/03	CI	MCSPORTS	00001089	180	180	1,440.00					
6/24/03	CI	GSI	00001088	20	20	160.00					
7/ 2/03	CI	SPORTCHALE	00001090	380	380	3,040.00					
7/ 3/03	CI	DUNHAM	00001091	180	180	1,440.00					
7/10/03	CI	QVC	00001092	3500	3500	26,600.00					
7/10/03	· CI	DUNHAM	00001093	. 84	84	672.00					
7/17/03	CI	MCSPORTS	00001094	180	180	1,440.00					
7/23/03	CI	TSA	00001096	6	6	48.00					
7/23/03	CI	TSA	00001097	6	6	48.00					
7/23/03	CI	TSA	00001098	6	6	48.00					
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7/23/03	CI	TSA	00001100	6	6	48.00					
7/23/03	CI	TSA	00001101	6	6	48.00					
7/23/03	CI	TSA	00001102	6	6	48.00					
7/23/03	ÇI	TSA	00001103	6	6	48.00					
7/23/03	CI	TSA	00001104	6	6	48.00					
7/23/03	CI	TSA	00001105	6	6	48.00					
7/23/03	CI	TSA	00001106	6	6	48.00					
7/23/03	CI	TSA	00001107	6	6	48.00					
7/23/03	CI	TSA	00001108	9	9	72.00					
7/23/03		TSA	00001109	7	7	56.00					
7/23/03		TSA	00001110	6	6	48.00					
7/23/03		TSA	00001111	14	14	112.00					
7/23/03		TSA	00001112	9	9	72.00					
7/23/03	CI	TSA	00001113	6	6	48.00					
7/23/03		TSA	00001114	7	7	56.00					
7/23/03	CI	TSA	00001115	6	6	48.00					
7/23/03		TSA	00001116	6	6	48.00					
7/23/03		TSA	00001117	6	6	48.00					
7/23/03		TSA	00001118	6	6	48.00					
7/23/03		TSA	00001119	6	6	48.00					
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FROM .: 19/26/2003

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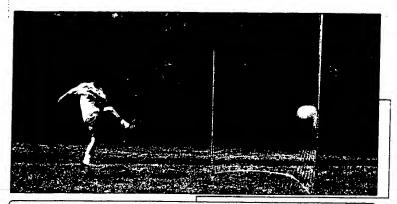
SoccerEdge SALES ANALYSIS BY ITEM REPORT 1/ 1/03 To 9/30/03

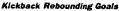
ITEM / DATE			SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
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7/24/03	CI	GSI	00001095	20	20	160.00
7/30/03	CI	TSA	00001122	460	460	3,680.00
7/30/03	CI	TSA	00001123	180	180	1,440.00
7/30/03	CI	TSA	00001124	500	500	4,000.00
7/30/03	CI	HIBBETT	00001125	480	480	3,600.00
8/18/03	CI	MCSPORTS	00001126	90	90	720.00
8/27/03	CI	COPELAND	00001127	72	72	540.00
9/12/03	CI	GSI	00001128	20	20	160.00
9/18/03	CI	TSA	00001129	780	780	6,240.00
9/18/03	CI	TSA	00001130	200	200	1,600.00
9/18/03	CI	TSA	00001131	800	800	6,400.00
9/18/03	CI	TSA	00001132	6	6	48.00
9/18/03	CI	TSA	00001133	. 22	22	176.00
9/18/03	CI	TSA	00001134	14	. 14	112.00
9/18/03	CI	TSA	00001135	8	8	64.00
9/18/03	CI	TSA	00001136	27	27	216.00
9/18/03	CI	TSA	00001137	8	8	64.00
9/18/03	CI	TSA	00001138	16	16	128.00
9/18/03	CI	TSA	00001139	7	7	56.00
9/18/03	CI	TSA	00001140	8	8	64.00
			Total:	10485	10485	82,132.00

TOTAL SALES:

82,132.00







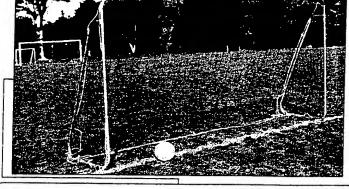
Great for training alone or working on your accuracy, the Kickback goal returns the ball to you after every shot. An adjustable rebounding action allows you to control the speed at which the ball comes off the net and the patented staking system keeps the goal in place. Constructed with a galvanized steel frame that is easy to assemble and disassemble.

Starter Rebounding Goal Size: 5.5' x 9' #KB5X9 \$224.99 Goal Club \$202.49 Free with 675 Goal Club pts Shipping \$20 each (UPS Ground)

Select Rebounding Goal Size: 7' x 15' #KB7X15 \$289.99 Goal Club \$260.99 Free with 870 Goal Club pts Shipping \$30 each (UPS Ground)

Club Rebounding Goal Size: 7' x 16' #KB7X16 \$365.99 Goal Club \$329.39 Free with 1098 Goal Club pts Shipping \$30 each (UPS Ground)

Training Books & Videos



Goal Sporting Goods Small Sided Steel Goals with Ground Bar

Now with ground bar for added stability! Designed for backyards, youth leagues and skills shooting for all ages. These goals are constructed of durable 1 3/8" galvanized steel tubing. Locking push buttons allow for quick and easy assembly/disassembly. Includes frame, net, anchors and tie wraps.

Size: 6' x 18' #GB6X18 \$299.99 Goal Club \$269.99 Free with 900 Goal Club ats Shipping \$40 each (UPS Ground)

Size: 6' x 12' #GB6X12 \$269.99 Goal Club \$242.99 Free with 810 Goal Club pts

Goal Club \$206.99 Free with 690 Goal Club pts Shipping \$30 each (UPS Ground) Shipping \$25 each (UPS Ground)

Size: 6' x 8'

#GB6X8 \$229.99

Speed/Agility Ladder Footwork Drills

by Vern Gambetta & Steve Myrland



improve your ability to make QUICK, FAST cuts! This video demonstrates footwork drills to be used in conjunction with a speed ladder. They are designed to improve quickness, speed, body control and awareness. Great for use either on the field or in the gym. Includes basic series, proprioceptive combinations, change of direction footwork drills, and much more. (25 min.)

#523337 \$29.99 Goal Club \$26.99 Free with 90 Goal Club pts

Soccer Speed: The 35 System



Vern Gambetta, former conditioning coach for the Tampa Bay Mutiny and 1998 U.S. Men's World Cup team, goes over a series of speed drills engineered to develop the following: straight ahead speed, first step quickness, acceleration mechanics, lateral speed and agility, reaction, footwork, change of direction and speed with the ball. (32 min.) #8773 \$39.99 Goal Club \$35.99 Free with 120 Goal Club pts

Conditioning for Soccer



by Dr. Raymond Verheijen

This complete guide to developing every aspect of conditioning for soccer players features chapters by Europe's top soccer conditioning specialists. Gives information on strength training, speed training, endurance training, and conditioning. 365 pages.

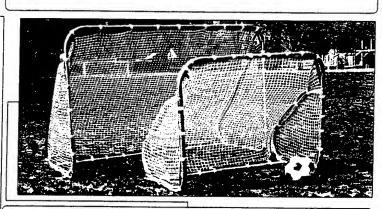
#1851 \$19.99 Goal Club \$17.99 Free with 60 Goal Club pts



Soccer Speed System by Vern Gambetta

An integrated approach to speed improvement for soccer. You will learn a step-by-step progressive drill system and workouts that improve running mechanics, first step quickness, agility, balance and coordination.

68 pages. #77333 \$19.99 Goal Club \$17.99 Free with 60 Goal Club ats



Goal Sporting Goods Interactive Rebounding Goals

This rebound goal returns the ball to you after every shot. Folds flat for storage and trans-portability. Constructed of 1 3/8" galvanized steel tubing and includes frame, rebounding net, anchors, and net attachments

#GSR4X6 \$149.99 Goal Club \$134.99 Free with 450 Goal Club pts Shipping \$25 each (UPS Ground)

Size: 6' x 8' #GSR6X8 \$189.99 Goal Club \$170.99 Free with 570 Goal Club pts Shipping \$30 each (UPS Ground)



ALL VIDEOS ARE IN NTSC (NORTH AMERICAN) FORMAT. DVDs are universal. VIDEOS/DVDs are NOT RETURNABLE IF OPENED UNLESS THEY ARE DEFECTIVE.





Obstacle Course Markers

Use this set of flags to set up an obstacle course, run drills or enhance training, 60° tall, flexible 0.5" flexible PVC_tube uprights with springs attached to steel base. Red nylon flags. Easily driven into ground. Set of four.

#26763 \$59.99 Goal Club \$53.99



Tools for Training

Agility Hurdle

Step, jump, or run over it: makes a great training device. Use to improve speed, strength, power and agility. Can teach quick take off and landing. Use more than one to set up an obstacle course, Portable and light, constructed of high

impact PVC. Sold individually, 12" x 18' #2262 \$9.99 Goal Club \$8.99 3 for \$7.99 ea.



Agility Ladder

Teaches players important movement fundamentals of agility, balance and coordination. Constructed of nylon with hard plastic rungs every 18". 18" x 10 yards.

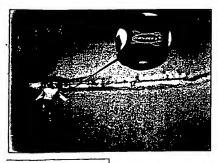
#5233 \$39.99 Goal Club \$35.99 Free with 120 Goal Club pts



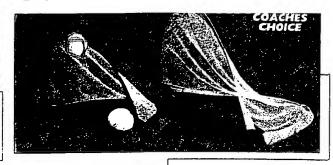
Kwik Goal Speed Rings

Create your own obstacle / training course with this 12 ring set. Four of each of blue, red and yellow, 16" diameter PVC rings.

Color: Red, Yellow, Royal #16B1601 \$19.99 Goal Club \$17.99 Free with 60 Goal Club pts







Starkick

Starkick strengthens kicking, shooting, trapping, passing and throw-in skills. Improves reaction time and coordination in both feet. Kicks over 18 feet! Elastic cord gives natural, realistic action. Neoprene giove takes even the most aggressive play. Fits securely on balls sized 3-5. Velcro® waistband fits

all players. Ball not included. #782754 \$14.99 Goal Club \$13.49

Free with 45 Goal Club pts

Kwik Goal Over The Net Soccer

Designed for 1v1 and 2v2 games, this product is great for improving touch and foot/eye coordination. Perfect for camp, practice and tournament usage. Includes net, PVC support poles, size 5 ball, four boundary cones, guy ropes and anchoring pegs. Size: 2'4" x 10'

#163 \$105.99 Goal Club \$95.39 Free with 318 Goal Club pts

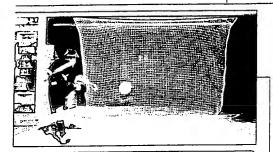
Shipping 38 each (UPS Ground)

Pugg Goals

Safety, instant readiness, and years of field-proven durability make these PUGG goals a great value for small-sided training or backyard fun. Includes splon carrying case and folds flat to about 1" thick. Anchoring pegs are attached.

Pugg Micro Goal Size: 2.5' x 4' Weight: 5 lbs. #7843 \$79.99 per pair Goal Club \$71.99 per pair Free with 240 Goal Club pts Shipping \$18 pair (UPS Ground)

Pugg Pop-Up Goal Size: 3.5' x 6' Weight: 7 lbs. #7844 \$119.99 per pair Goal Club \$107.99 per pair Free with 360 Goal Club pts Shipping \$18 pair (UPS Ground)



Garage Sports Net

Turn your driveway and garage into your practice area! This easy to install net covers the opening of your garage and turns it into a practice goal. Play in your garage during inclement weather. Rebound action allows ball to roll back for quick action play. Net can also be used between trees. carport and posts.

Size: 11' x 9'

#476 \$39.99 Goal Club \$35.99 Free with 120 Goal Club pts



Set of Two Mini-Goals

This pair of goals is constructed of 0.7 mm gauge, 7/8 diameter steel with white ABS connectors. Includes one knotless TEP net, eight "No-Slip" foam skids and eight J stakes. Perfect for small-sided training.

Size: 2' x 1.5' x 1'
#66406 \$39.99 per pair Goal Club \$35.99 per pair

Free with 120 Goal Club pts Shipping \$12 pair (UPS Ground)



Penaltymaster

Practice by yourself without having to chase the ball every time. Use any size 4 or 5 ball. Includes elasticized cord, anchor and safety pegs, and durable ball net. Ball not included

#98666 \$14.99 Goal Club \$13.49 Free with 45 Goal Club pts



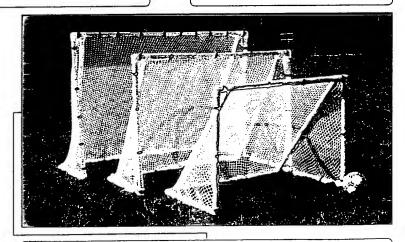
Brine Goal

A great high school practice goal! Constructed of aluminized steel. Includes 2.5mm HD PE twisted orange 5.5" mesh pocket net and quick fasteners with lacing cord.

Size: 6' x 12' x 0' x 6' Weight: 50 lbs.

#660 \$159.99 Goal Club \$143.99 Free with 480 Goal Club pts

Shipping \$30 each (UPS Ground)

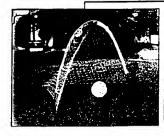


Folding/Telescoping Plastic Goal

Portable and adjustable, this revolutionary goal is perfect for small sided games with no keeper or practices and backyard play. Designed to give flexibility in transport, use and storage by folding up flat in just seconds. Different sizes allow it to grow with player's skill and age. Includes net, rods, fittings, and Velcro® net attachments.

Size: Adjustable from 3' x 4' to 4.5' x 6', with seven sizes in between. Weight: 20 lbs. #8515 \$129.99 Goal Club \$116.99

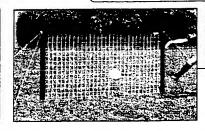
Free with 390 Goal Club pts Shipping \$20 each (UPS Ground)



Fast Goal

Use it in the park, on the beach, in the backyard, anywhere you want to play a game. Sets up quickly and easily and is lightweight with a sturdy and durable design. Includes a compact carrier bag.

Size: 3.3' x 6.5' #3278 \$34.99 each Goal Club \$31.49 Free with 105 Goal Club pts



Kwik Goal The Finisher

This frameless 5' \times 10' rebounder offers the utmost in portability and rebound speed. Great for improving finishing and shot accuracy, includes net, PVC support

poles, guy ropes and anchoring pegs. #164 \$109.99 Goal Club \$98.99

Free with 330 Goal Club pts

Shipping \$8 each (UPS Ground)

SAFETY POINTS:

To facilitate inserting pegs into the ground the sides of the pegs are different lengths.

- 1. Both the anchor peg and safety peg MUST be used .
- 2. Both pegs should be placed firmly into an established lawn so they protrude just above the surface.
- 3. The rubber loop has been specifically designed to ensure that in the unlikely event of the anchor peg coming out of the ground, it will immediately become detached from the anchor peg. The rubber loop itself will then be stopped by the safety peg.
- 4. Adult supervision is recommended.
- 5. Do not over extend the cord.
- 6. Do not attempt to head Penaltymaster.
- 7. Do not use if another person or pet is in range.

GUARANTEE

All parts of Penaltymaster are covered by a full 12-month warranty against any defect in materials or workmanship, provided instructions for use have been complied with and the product has not been misused.

WARNING!

FAILURE TO COMPLY WITH SET UP INSTRUCTIONS

COULD RESULT IN THE GAME BECOMING DANGEROUS.

NOTE THE FOLLOWING IMPORTANT POINTS ON REVERSE SIDE:

PENALTYMASTER®

TURNSTILE LTD.

30 Belgrave Gate, Leicester LE1 3GP, England.
Tel: 0116 251 3018 Fax: 0116 251 5684

PENALTYMASTER

Soccer Training At Its Best

IMPORTANT:

GAME MUST BE SET-UP BY A RESPONSIBLE PERSON FOLLOWING THESE INSTRUCTIONS

(PLEASE NOTE THE WARNING ON BACK PAGE)



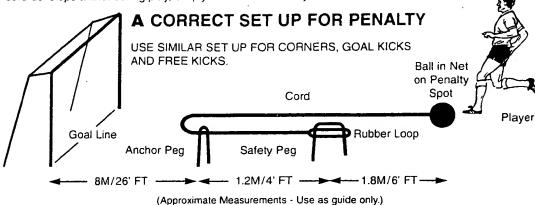
Renaltymaster should be used on grass. Area required 30 metres/32.8 yards. Do not use on sandy soil contact sand. Adult supervision is recommended for the present of the p

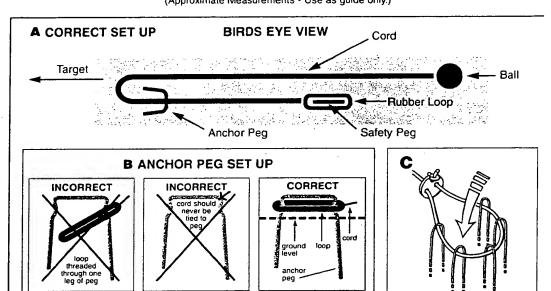
HOW TO SET UP (SEE DIAGRAM A)

- Fit rubber loop over anchor peg in the appropriate bend. (SEE DIAGRAM B)
 Insert the anchor peg securely into the ground. Then secure the cord with the safety peg about 1.2 metres / 4 FT away towards the target. Let the cord double back and then place the ball on the spc where you intend to pass or shoot from.
- Both the anchor peg and safety peg MUST be used.

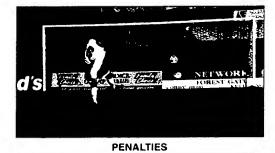
HOW TO PLACE ANY SIZE 4 OR 5 BALL INTO THE NET (SEE DIAGRAM C)

Simply feed the cord through the leather disc and fully open the net and insert the ball. Feed the cord back through the leather disc enclosing the ball inside the net. Your Penaltymaster is now ready for use. If the cord develops a knot during play, simply until it immediately and continue.





Repeat the following set piece plays to improve power performance and accuracy. Practice makes Perfect.



**



FREE KICKS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Christopher Evans, et al.

Exam. M. Aryanpour

Serial No.

09/493,871

Group Art Unit: 3711

Filed:

January 28, 2000

For:

APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE

Rule 132 Declaration

The undersigned declarant, a co-inventor/co-applicant in the above identified application states:

- 1. I have reviewed the above application and its parent as filed and amended, including the proposed claims before the Examiner and all record references and PTO actions and state the following regarding the claimed invention of the present application in relation to prior art.
- 2. I now supplement (in Appendix A hereto) the previously-filed commercial success data of our Soccer Edge® training device (by the 14 October 2003 Rule 132 declaration, copy in Appendix B hereto), which is an embodiment of the presently claimed invention, in comparison to commercial embodiments of the Sowards and Ainscough, et al., inventions. We have now sold over 25,000 units and have placed the devices for sale in over 800 stores currently (including The Sports Authority®). This number will be expanding to over 1200 stores (including The Forzani Group of Canada, which is a large Canadian sporting goods retailer comparable to The Sports Authority®, El Corte Ingles in Spain, a major department store, and K-Mart in Australia) by Fall of 2004.
- 3. Our sales of the SoccerEdge Edge® trainer have been greater in the first 6 months of this year than in all of 2003.
- 4. The commercial success can only be attributed to merit of the product as appraised by these sophisticated retail customers. Our company remains without the resources or sales force of typical sporting goods companies, which employ marketing/advertising and the leveraging of other products to gain shelf space.
- My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below and in my previously-filed declaration. Our product (per the claimed invention) has been designated the Official Licensed Bungee Soccer Trainer of the U.S. Soccer Federation, the governing body of organized soccer in the United States.

- 6. I have previously provided information (accompanying the 14 October 2003 declaration, <u>Appendix B</u> hereto) regarding the PenaltymasterTM rebounding soccer trainer. <u>Appendix C</u> hereto contains promotional literature for a further state of the art rebounding soccer trainer, the SoccixTM trainer. The Soccix trainer utilizes two rubber loops clipped directly to the ball and attached to two croquet-style wickets, rather than the single rubber loop, ball net and wicket of the Penaltymaster trainer. Patents are apparently pending for both the Soccix and Penaltymaster designs, both of which are inferior to the claimed combinations of the present invention.
- 7. I have previously provided evidence of the comparative merits of the presently claimed invention in comparison to the Sowards' Kwik Kick Speed BallTM trainer and the Ainscoff trainer. As noted previously, the Ainscoff trainer was offered for sale on TV home shopping but was not a durable offering and can no longer be found for sale. The Kwik Kick Speed BallTM trainer had been selling at The Sports Authority until our Soccer Edge® training device was introduced to the market. The Kwik Kick is no longer for sale at The Sports Authority, while our product has been rolled out to all of their stores.
- 8. I have also been informed by a buyer for Modell's Sporting Goods, Inc., one of our customers, that another sporting goods seller, Brine Sporting Goods, Inc., (Milford, MA) has recently presented that buyer with a "special make-up unit" (SMU) which copied our design. In other words, Brine attempted to sell a "knock off" of our Soccer Edge® training device to Modell's. It is clear to me that Brine recognizes the advantages provided by our inventive soccer training design.
- 9. Yet further evidence of the comparative merits of products is found in the recall announcement from the U.S. Consumer Product Safety Commission related to a Franklin Sports soccer trainer that employed a straight metal stake or spike to anchor the product, a copy of which is included in <u>Appendix D</u> hereto. The risk of injury presented by the Franklin product, if obvious, would have been anticipated and prevented in the product's design (i.e., Franklin retrieved its straight stakes rather than replace them with spirals.)
- 10. The art as a whole fails to recognize the need for a combination of a combined elastic/inelastic line with a net carrier for the ball and a universally flexible means for strongly securing in a minimally-interfering way a retrieval-type soccer kick practicing device that provides realistic ball motion (i.e., lift and roll) and true 360 range of kicking ability. Each of the applied references fails individually and in the aggregate to do so. I incorporate my discussion of the Ainscough, et al., and Sowards references' failure to teach or suggest the presently claimed invention, made in my previous declaration and responses in the application of 14 October 2003 and 06 June 2002. The Moore reference depicts and describes only a "suitable anchor" consisting of a tent stake, and a ball holder mechanism comprised of four orthogonally arranged pieces of webbing and an elastic band

Att'y Docket No. 11714-P02 Christopher Evans, et al.

securing them to the ball. The former will not provide the sufficient securing force to accommodate stronger kickers, and the latter will not provide true soccer ball motion, as the presently claimed invention provides.

- 11. The present invention as described and claimed comprises a soccer ball practice apparatus made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.
- 12. My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past. The presently claimed invention provides a much closer approximation of normal game play than the systems of the cited art, while minimizing the possibility that a user's kick will dislodge the stake from the ground. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. The Ainscough et al. device does not allow a 360° range of kick up and over the device, as its support pipe and swiveling arm only allow 360 degree rotation about the axis of the pole; therefore, the player will not know if the ball would have traveled in the direction intended with the rise in trajectory desired, which defeats the purpose of practice kicking. The Moore device does not show a practice device that has a strong ground connection. With the Moore device, a kicker may unintentionally pull the tent stake from the ground with her kick (a potentially hazardous event as evidenced by the CPSC recall noted in paragraph 9), the partial webbing/elastic band ball holding mechanism will not provide true ball motion, and its additional weight will further inhibit the ability to get "lift" under the ball.
- I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." The present invention also provides truer ball motion, absolutely necessary for young players developing their kicking skills.

Att'y Docket No. 11714-P02 Christopher Evans, et al.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: June 15, 2004

By:

CHRISTOPHER EVANS

11714-P02_R132decl_061504

SoccerEdge CLES ANALYSIS BY ITEM REPORT 1/ 1/02 To 12/31/02

ITEM	1/DATE	<u>T</u>	T CUSTOMER ID	SLS	REF NO	QTY ORD	QTY SHIP	AMOUNT
SOCC	EREDGE - S	SoccerE	dge					
	1/28/02	C	MCSPORTS		00001057	180	180	1,440.00
	4/24/02	C	MCSPORTS		00001058	180	180	1,440.00
	6/10/02	Cl	TSA		00000150	180	180	1,440.00
	6/10/02	CI	TSA		00000151	60	60	480.00
	6/10/02	CI	TSA		00000152	4	4	32.00
	6/10/02	CI	TSA		00000153	7	7	56.00
	6/10/02	CI	TSA		00000154	6	6	48.00
	6/10/02	CI	TSA		00000155	6	6	48.00
	6/10/02	CI	TSA		00000156	7	7	56.00
	6/10/02	CI	TSA		00000157	5	5	40.00
	6/10/02	CI	TSA		00000158	5	5	40.00
	6/11/02	CI	MCSPORTS		00001059	300	300	2,400.00
	7/ 9/02	CI	TSA		00000168	. 6	6	48.00
	7/11/02	CI	TSA		00000159	200	200	1,600.00
	7/11/02	CI	TSA		00000160	60	60	480.00
	7/11/02	CI	TSA		00000161	3	3	24.00
	7/11/02	CI	TSA		00000162	3	3	24.00
	7/11/02	CI	TSA		00000163	. 3	3	24.00
	7/11/02	CI	TSA	•	00000164	. 2	2	16.00
	7/11/02	CI	TSA		00000165	1	1	8.00
•	7/11/02	CI	TSA	(00000166	5	5	40.00
	7/11/02	CI	TSA	(00000167	4	4	32.00
	7/15/02	CI	MCSPORTS		00001060	180	180	1,440.00
•	7/15/02	CI	PIASVA	(00001061	- 20	20 -	160.00
	7/18/02	CI	TSA	(00000169	6	6	48.00
	8/12/02	CI	TSA	(00000170	140	140	1,120.00
	8/12/02	CI	TSA	(00000171	20	20	160.00
	8/12/02	CI	TSA	(00000172	3	3	24.00
	8/12/02	CI	TSA	(00000173	8	8	64.00
	8/12/02	CI	TSA	(0000174	2	2	16.00
	8/12/02	CI	TSA	(0000175	6	6	48.00
	8/12/02	CI	TSA	C	0000176	10	10	80.00
	8/12/02	CI	TSA	C	0000177	2	2	16.00
	8/12/02	CI	TSA	0	0000178	3	3	24.00
	8/12/02	CI	TSA	0	0000179	1	1	8.00
	8/22/02	CI	KINDERHAUS	0	0001062	20	20	160.00
	8/23/02	CI	GSI	0	0001063	60	60	480.00
	9/30/02	CI	TSA	0	0001064	120	120	960.00
	9/30/02	CI	TSA	0	0001065	40	40	320.00
	9/30/02	CI	TSA	0	0001066	2	2	16.00
	9/30/02	CI	TSA	0	0001067	8	8	64.00
	9/30/02	CI	TSA	0	0001068	3	3	24.00
	9/30/02	CI	TSA	0	0001069	8	8	64.00
	9/30/02	CI	TSA	0	0001070	10	10	80.00

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SoccerEdge Cales analysis by ITEM REPORT 1/ 1/02 To 12/31/02

ITEM / DATE	<u>TT</u>	CUSTOMER ID	<u>SLS</u>	REF NO	QTY ORD	QTY SHIP	AMOUNT
9/30/02	CI	TSA		00001071	2	2	16.00
9/30/02	CI	TSA		00001072	18	18	144.00
10/ 4/02	CI	HIBBETT		00001073	360	360	2,700.00
11/8/02	CI	GSI		00001073	20	20	160.00
12/12/02	CI	GSI		00001074	40	40	320.00
				Total:	2339	2339	18,532.00
			TOTA	AL SALES:			18,532.00
							=======================================

SoccerEdge ALES ANALYSIS BY ITEM REPORT 1/ 1/03 To 12/31/03

ITEM / DATE	TT CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
SOCCEREDGE - S	occerEdge				
2/26/03	CI DUNHAM	00001081	960	960	7,680.00
2/27/03	CI GSI	00001075	20	20	160.00
2/27/03	CI MCSPORTS	00001076	360	360	2,880.00
3/ 7/03	CI TSA	00001077	160	160	1,280.00
3/ 7/03	CI TSA	00001078	20	20	160.00
3/ 7/03	CI TSA	00001079	7	7	56.00
4/ 8/03	CI COPELAND	00001080	144	144	1,080.00
5/ 9/03	CI TOYSRUS.CO	00001082	40	40	320.00
5/ 9/03	CI TOYSRUS.CO	00001083	120	120	960.00
5/ 9/03	CI TOYSRUS.CO	00001084	40	40	320.00
5/28/03	CI GSI	00001085	20	20	160.00
6/11/03	CI SPORTCHALE	00001087	180	180	1,440.00
6/18/03	CI MCSPORTS	. 00001089	180	180	1,440.00
6/24/03	CI GSI	00001088	20	20	160.00
7/ 2/03	CI SPORTCHALE	00001090	380	380	3,040.00
7/ 3/03	CI DUNHAM	00001091	180	180	1,440.00
7/10/03	CI QVC	00001092	3500	3500	26,600.00
7/10/03	CI DUNHAM	00001093	84	84	672.00
7/17/03	CI MCSPORTS	00001094	180	180	1,440.00
7/23/03	CI TSA	00001096	6	6	48.00
7/23/03	CI TSA	00001097	6	6	48.00
7/23/03	CI TSA	00001098	6	6	48.00
7/23/03	CI TSA	00001099	6	6	48.00
7/23/03	CI TSA	00001100	. 6	. 6	48.00
7/23/03	CI TSA	00001101	6	6	48.00
7/23/03	CI TSA	00001102	6	6	48.00
7/23/03	CI TSA	00001103	6	6	48.00
7/23/03	CI TSA	00001104	6	6	48.00
7/23/03	CI TSA	00001105	. 6	6	48.00
7/23/03	CI TSA	00001106	6	6	48.00
7/23/03	CI TSA	00001107	6	6	48.00
7/23/03	CI TSA	00001108	9	9	72.00
7/23/03	CI TSA	00001109	7	7	56.00
7/23/03	CI TSA	00001110	6	6	48.00
7/23/03	CI TSA	00001111	14	14	112.00
7/23/03	CI TSA	00001112	9	9	72.00
7/23/03	CI TSA	00001113	6	6	48.00
7/23/03	CI TSA	00001114	7	7	56.00
7/23/03	CI TSA	00001115	6	6	48.00
7/23/03	CI TSA	00001116	6	6	48.00
7/23/03	CI TSA	00001117	6	6	48.00
7/23/03	CI TSA	00001118	6	6	48.00
7/23/03	CI TSA	00001119	6	6	48.00
7/23/03	CI TSA	00001120	6	6	48.00

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SoccerEdge LES ANALYSIS BY ITEM REPORT 1/ 1/03 To 12/31/03

ITEM / DATE	T 7	CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
7/23/03	\overline{CI}	TSA	00001121	6	6	48.00
7/24/03	CI	GSI	00001095	20	20	160.00
7/30/03	CI	TSA	00001122	460	460	3,680.00
7/30/03	CI	TSA	00001123	180	180	1,440.00
7/30/03	CI	TSA	00001124	500	500	4,000.00
7/30/03	CI	HIBBETT	00001125	480	480	3,600.00
8/18/03	CI	MCSPORTS	00001126	90	90	720.00
8/27/03	CI	COPELAND	00001127	72	72	540.00
9/12/03	CI	GSI	00001128	20	20	160.00
9/18/03	CI	TSA	00001129	780	780	6,240.00
9/18/03	CI	TSA	00001130	200	200	1,600.00
9/18/03	CI	TSA	00001131	800	800	6,400.00
9/18/03	CI	TSA	00001132	6	6	48.00
9/18/03	CI	TSA	00001133	22	22	176.00
9/18/03	CI	TSA	00001134	14	14	112.00
9/18/03	CI	TSA	00001135	8	8	64.00
9/18/03	CI	TSA	00001136	27	27	216.00
9/18/03	CI	TSA	00001137	8	. 8	64.00
9/18/03	CI	TSA	00001138	16	16	128.00
9/18/03	CI	TSA	00001139	7	7	56.00
9/18/03	CI	TSA ·	00001140	8	8	64.00
10/ 3/03	CI	DUNHAM	00001141	60	60	480.00
10/15/03	CI	TSA	00001142	12	12	96.00
10/15/03	CÏ	TSA	00001143	80	80	640.00
10/15/03	CI	TSA	00001144	900	900	7,200.00
10/23/03	CI	GSI	00001145	20	20	160.00
10/28/03	CI	TSA	00001147	36	36	288.00
10/29/03	CI	GSI	00001146	20	20	160.00
11/5/03	CI	DUNHAM	00001149	300	300	2,400.00
11/5/03	CI	TSA	00001148	12	12	96.00
11/ 5/03	CI	GOODSPORTS	00001150	12	12	88.20
11/ 5/03		GARMON	00001151	12	. 12	88.20
11/ 5/03		SCRSPORTS	00001152	12	12	88.20
11/12/03		SPRTNMORE	00001153	12	12	96.00
11/20/03		TSA	00001154	80	80	640.00
11/20/03		TSA	00001155	60	60	480.00
11/24/03		GSI	00001149	20	20	160.00
11/24/03		TSA	00001156	140	140	1,120.00
12/ 1/03		TSA	00001158	60	60	480.00
12/ 1/03		TSA	00001159	20	20	160.00
12/ 1/03		TSA	00001160	40	40	320.00
12/ 1/03		TSA	00001161	10	10	80.00
12/ 2/03		DUNHAM	00001157	36	36	288.00
12/ 3/03		GSI	00001162	80	80	640.00
12/ 3/03		COPELAND	00001163	120	120	900.00
12/3/03		SPRTNMORE	00001164	24	24	192.00
12/10/03	CI J	JUSTSOCCER	00001165	20	20	147.00

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SoccerEdge CALES ANALYSIS BY ITEM REPORT 1/ 1/03 To 12/31/03

ITEM / DATE	_ <u>TT</u>	CUSTOMER ID	SLS	REF NO	QTY ORD	QTY SHIP	AMOUNT
12/11/03	CI	JUSTSOCCER		00001167	20	20	160.00
12/11/03	CI	SCRMAGIC		00001168	20	20	160.00
12/12/03	CI	SPRTNMORE		00001166	24	24	192.00
12/16/03	CI	SPRTNMORE		00001169	20	20	160.00
				Total:	12767	12767	100,291.60
			TOTA	AL SALES:			100 201 60

SoccerEdge ALES ANALYSIS BY ITEM REPORT 1/ 1/04 To 6/15/04

ITEM / DATE	TT CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
SOCCEREDGE -	SoccerEdge				
1/6/04	CI SPORTCHALE	00001171	80	80	640.00
1/7/04	CI SPRTNMORE	00001170	12	12	96.00
1/22/04	CI TSA	00001175	120	120	960.00
1/23/04	CI SPRTCORNER	00001173	12	120	96.00
1/23/04	CI SCRFIELD	00001173	12	12	96.00
1/23/04	CI COPELAND	00001174	72	72	540.00
1/27/04	CI TSA	00001176	240	240	1,920.00
1/27/04	CI TSA	00001177	20	20	160.00
1/27/04	CI TSA	00001178	100	100	800.00
1/27/04	CI TSA	00001179	2	2	16.00
1/29/04	CI TSA	00001180	460	460	3,680.00
1/29/04	CI TSA	00001181	1200	1200	9,600.00
1/29/04	CI TSA.	00001184	80	80	640.00
1/29/04	CI TSA	00001185	18	18	144.00
1/29/04	CI TSA	00001186	18	18	144.00
1/29/04	CI TSA	00001187	72	72	576.00
1/29/04	CI TSA	00001188	30	30	240.00
1/29/04	CI TSA	00001189	30	30	240.00
1/29/04	CI TSA	00001190	17	. 17	136.00
1/29/04	CI TSA	00001191	36	36	288.00
1/30/04	CI TSA	00001182	580	580	4,640.00
1/30/04	CI TSA	00001183	620	620	4,960.00
2/ 2/04	CI TSA	00001192	320	320	2,560.00
2/ 2/04	CI TSA	00001193	980	980	7,840.00
2/ 2/04	CI TSA	00001194	620	620	4,960.00
2/ 5/04	CI DUNHAM	00001196	120	120	960.00
2/ 6/04	CI CITYSPORTS	00001195	96	96	720.00
2/10/04	CI TSA	00001197	31	31	248.00
2/10/04	CI GSI	00001198	60	60	480.00
2/10/04	CI TSA	00001199	18	18	144.00
2/10/04	CI TSA	00001200	24	24	192.00
2/12/04	CI TSA	00001202	39	39	312.00
2/13/04	CI SPORTCHALE	00001201	80	80	640.00
2/17/04	CI TSA	00001203	12	12	96.00
2/24/04	CI HIBBETT	00001204	300	300	2,250.00
2/24/04	CI TSA	00001205	151	151	1,208.00
2/25/04	CI ACTIVEEDGE	00001206	120	120	900.00
2/26/04	CI DUNHAM	00001207	240	240	1,920.00
2/26/04	CI MODELLS	00001208	600	600	4,500.00
3/ 2/04	CI JUSTSOCCER	00001209	12	12	96.00
3/ 8/04	CI ACTIVEEDGE	00001210	120	120	900.00
3/ 8/04	CI JOHNNYMACS	00001211	60	60	450.00
3/11/04	CI SHENKTITTL	00001211	72	72	540.00
3/11/04	CI SCRLOCKER	00001212	12	12	96.00

SoccerEdge LES ANALYSIS BY ITEM REPORT 1/ 1/04 To 6/15/04

ITEM / DATE	TT CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
3/19/04	CI SCRPLUS	00001212	12	12	96.00
3/19/04	CI SCRINTL	00001213	12	12	96.00
3/19/04	CI SCRL'ACROSS	00001214	12	12	96.00
3/29/04	CI SCHUYLKILL	00001213	36	36	288.00
3/29/04	CI KICKER	00001214	12	12	96.00
4/ 1/04	CI DUNHAM	00001216	84	84	672.00
4/ 2/04	CI COPELAND	00001215	48	48	360.00
4/ 2/04	CI EUROSPORT	00001219	144	144	1,152.00
4/ 7/04	CI TSA	00001217	69	69	552.00
4/ 7/04	CI TSA	00001218	18	18	144.00
4/ 9/04	CI SPORTCHALE	00001216	100	100	800.00
4/13/04	CI TEAMSPORTS	00001220	12	12	96.00
4/13/04	CI AGGRESIVE	00001221	12	12	90.00
4/13/04	CI SCRCENTER	00001222	12	12	96.00
4/14/04	CI NEILS	00001223	12	12	96.00
4/14/04	CI SPRTNMORE	00001224	12	12	96.00
4/14/04	CI SCRUNLIMNY	00001225	12	12	96.00
4/14/04	CI SCRUNLIM	00001226	12	12	96.00
4/14/04	CI SCRCNCT	00001227	12	12	96.00
4/16/04	CI SCRHOUSIN	00001228	12	12	96.00
4/19/04	CI JUSTSOCCER	00001229	24	24	192.00
4/26/04	CI GSI	00001230	20 .	20	160.00
4/26/04	CI GSI	00001231	40	40	320.00
4/27/04	CI BREEDLOVES	00001232	12	12	96.00
4/27/04	CI SCR4ALL	00001233	24	24	192.00
4/27/04	CI TSA	00001234	. 7	7	56.00
- 4/27/04	CI SCHLOM	00001171	20	20	160.00
4/27/04	CI SCHLDM	00001172	20	20	160.00
4/27/04	CI DUNHAM	00001173	36	36	288.00
4/30/04	CI ANGELOS	00001168	12	12	96.00
4/30/04	CI SCRCNTRY	00001169	12	12	96.00
5/ 4/04	CI SPRTNMORE	00001170	12	12	96.00
5/ 4/04	CI TSA	00001171	10	10	80.00
- 5/ 7/04	CI SCRCENTOH	00001172	12	12	96.00
5/11/04	CI GOALKICK	00001173	12	12	96.00
5/11/04	CI SCRWRLDWI	00001174	24	24	192.00
5/17/04	CI MCSPORTS	00001174	300	300	2,400.00
5/17/04	CI TSA	00001175	47	47	376.00
5/17/04	CI TSA	00001176	18	18	144.00
5/17/04	CI NORTHVALLE	00001177	12	12	96.00
5/17/04	CI SCHLRH	00001179	12	12	96.00
5/18/04	CI SCHLCS	00001178	12	12	96.00
5/19/04	CI SCRCITYCA	00001180	12	12	96.00
5/19/04	CI SCHLLIN	00001181	12	12	96.00
5/20/04	CI SCHLSFS	00001182	24	24	192.00
5/20/04	CI SCHLSSH	00001183	12	12	96.00
5/21/04	CI EFINGER	00001184	12	12	96.00

SoccerEdge CLES ANALYSIS BY ITEM REPORT 1/ 1/04 To 6/15/04

ITEM / DATE	<u>T</u>	T CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
5/21/04	C	I SPRTLINE	00001185	24	24	192.00
5/24/04	C	SCRMAGIC	00001186	24	24	192.00
5/24/04	C	SCRCTYELK	00001187	36	36	288.00
5/24/04	Cl	KICKNWEAR	00001188	12	12	96.00
5/24/04	CI	SCRKICKSVA	00001189	24	24	192.00
5/26/04	CI	SCHLSC	00001190	12	12	96.00
5/26/04	CI	GSI	00001191	60	60	480.00
5/26/04	CI	COPELAND	00001195	120	120	900.00
5/26/04	CI	DUNHAM	00001196	48	48	384.00
5/28/04	CI	TSA	00001191	240	240	1,920.00
5/28/04	CI	TSA	00001192	300	300	2,400.00
5/28/04	CI	TSA	00001193	198	198	1,584.00
5/28/04	CI	TSA	00001194	234	234	1,872.00
5/28/04	CI	SCHLOM	00001197	30	30	240.00
6/ 1/04	CI	TSA	00001236	12	12	96.00
6/ 1/04	CI	TSA	00001237	12	12	96.00
6/ 1/04	CI	TSA	00001238	24	24	192.00
6/ 1/04	CI	PROSOCCER	00001239	12	12	96.00
6/ 1/04	CI	PKSOCCER	00001240	12	12	96.00
6/ 1/04	CI	4KICKS	00001241	12	12	96.00
6/ 1/04	CÍ	100PERCENT	00001242	12	12	96.00
6/ 1/04	CI	BILLBATTEY	00001243	. 12	. 12	96.00
6/ 2/04	CI	TSA	00001235	12	12	96.00
6/ 4/04	CI	ACTIVEEDGE	00001244	260	260	1,950.00
6/ 4/04	CI	SCRUNLIMNC	00001245	12	12	96.00
6/ 4/04	CI	MCSPORTS	00001246	240	. 240	1,920.00
6/ 4/04	CI	SPORTCHALE	00001247	320	320 _	2,560.00
			Total:	11657	11657 _	92,316.00
			TOTAL SALES:	. •		92,316.00

92,316.00

SoccerEdge LES ANALYSIS BY ITEM REPORT 1/ 1/03 To 6/30/03

ITEM / DATE	TT	CUSTOMER ID	SLS	REF NO	QTY ORD	QTY SHIP	AMOUNT	
SOCCEREDGE - Soco	erEc	lge						
2/26/03	CI	DUNHAM	(00001081	960	960		7,680.00
2/27/03	CI	GSI	(00001075	20	20		160.00
2/27/03	CI	MCSPORTS	(00001076	360	360		2,880.00
3/ 7/03	CI	TSA	(00001077	160	160		1,280.00
3/ 7/03	CI	TSA	(00001078	20	20		160.00
3/ 7/03	CI	TSA	C	00001079	7	7		56.00
4/ 8/03	CI	COPELAND	0	00001080	144	144		1,080.00
5/ 9/03	CI	TOYSRUS.CO	0	00001082	40	40		320.00
5/ 9/03	CI	TOYSRUS.CO	0	00001083	120	120		960.00
5/ 9/03	CI	TOYSRUS.CO	0	0001084	40	40		320.00
5/28/03	CI	GSI	0	0001085	20	20		160.00
6/11/03	CI	SPORTCHALE	0	0001087	180	180		1,440.00
6/18/03	CI	MCSPORTS	0	0001089	180	180		1,440.00
6/24/03	CI	GSI	0	0001088	20	20		160.00
			Т	otal:	2271	2271	1	8,096.00
			TOTAL	SALES:			1	8,096.00
						.;	=======	=====

SoccerEdge LES ANALYSIS BY ITEM REPORT 6/30/03 To 12/31/03

ITEM / DATE	2	CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
SOCCEREDGE - S	Soccer	Edge				
7/ 2/03	C	I SPORTCHALE	00001090	380	380	3,040.00
7/ 3/03	C	I DUNHAM	00001091	180	180	1,440.00
7/10/03	C	I QVC	00001092	3500	3500	26,600.00
7/10/03	C		00001093	84	84	672.00
7/17/03	C		00001094	180	180	1,440.00
7/23/03	C		00001096	6	6	48.00
7/23/03	C		00001097	6	6	48.00
7/23/03	C		00001098	6	6	48.00
7/23/03	C		00001099	6	6	48.00
7/23/03	C.	I TSA	00001100	6	6	48.00
7/23/03	C	I TSA	00001101	6	6	48.00
7/23/03	C	I TSA	00001102	6	6	48.00
· 7/23/03	C)	TSA	00001103	6	6	48.00
7/23/03	Cl	TSA	00001104	6	6	48.00
7/23/03	CI	TSA	00001105	. 6	6	48.00
7/23/03	CI	TSA	00001106	6	6	48.00
7/23/03	CI	TSA	00001107	6	6	48.00
7/23/03	CI	TSA	00001108	9	. 9	72.00
7/23/03	CI	TSA	00001109	. 7	· 7	56.00
7/23/03	CI	TSA	00001110	6	6	48.00
7/23/03	CI	TSA	00001111	. 14	14	112.00
7/23/03	CI	TSA	00001112	9	9	72.00
7/23/03	CI	TSA	00001113	. 6	6	48.00
7/23/03	CI	TSA	00001114	7	7	56.00
7/23/03	CI	TSA	00001115	6	6	48.00
7/23/03	CI	TSA	00001116	6	6	48.00
7/23/03	CI	TSA	00001117	6	6	48.00
7/23/03	CI	TSA	00001118	6	6	48.00
7/23/03	CI	TSA	00001119	6	6	48.00
7/23/03	CI	TSA	00001120	6	6	48.00
7/23/03	CI	TSA	00001121	6	6	48.00
7/24/03	CI	GSI	00001095	20	20	160.00
7/30/03	CI	TSA	00001122	460	460	3,680.00
7/30/03	CI	TSA	00001123	180	180	1,440.00
7/30/03	CI	TSA	00001124	500	500	4,000.00
7/30/03	CI	HIBBETT	00001125	480	480	3,600.00
8/18/03	CI	MCSPORTS	00001126	90	90	720.00
8/27/03	CI	COPELAND	00001127	72	72	540.00
9/12/03	CI	GSI	00001128	20	20	160.00
9/18/03	CI	TSA	00001129	780	780	6,240.00
9/18/03	CI	TSA	00001130	200	200	1,600.00
9/18/03	CI	TSA	00001131	800	800	6,400.00
9/18/03	CI	TSA	00001132	6	6	48.00
9/18/03	CI	TSA	00001133	22	22	176.00

SoccerEdge ALES ANALYSIS BY ITEM REPORT 6/30/03 To 12/31/03

ITEM / DATE	1	TT CUSTOMER ID	SLS REF NO	QTY ORD	QTY SHIP	AMOUNT
9/18/03	(CI TSA	00001134	14	14	112.00
9/18/03		CI TSA	00001135	8	8	64.00
9/18/03	C	CI TSA	00001136	27	27	216.00
9/18/03	C	I TSA	00001137	8	8	64.00
9/18/03	C	CI TSA	00001138	16	16	128.00
9/18/03	C	CI TSA	00001139	7	7	56.00
9/18/03	C	TSA	00001140	8	8	64.00
10/ 3/03	C	I DUNHAM	00001141	60	60	480.00
10/15/03	C	T TSA	00001142	12	12	96.00
10/15/03	C	I TSA	00001143	80	80	640.00
10/15/03	C	I TSA	00001144	900	900	7,200.00
10/23/03	C	I GSI	00001145	20	20	160.00
10/28/03	C	I TSA	00001147	36	36	288.00
10/29/03	\mathbf{C}	I GSI	00001146	20	20	160.00
11/5/03	C	I DUNHAM	00001149	300	300	2,400.00
11/5/03	Cl	TSA	00001148	12	12	96.00
11/5/03	· CI	GOODSPORTS	00001150	12	12	88.20
11/5/03	CI	GARMON	00001151	12	12	88.20
11/5/03	CI	SCRSPORTS	00001152	. 12	12	88.20
11/12/03	CI	SPRTNMORE	00001153	12	12	96.00
11/20/03	CI	TSA	00001154	. 80	80	640.00
11/20/03	CI	TSA	00001155	60 ·	60	480.00
11/24/03	CI	GSI	00001149	20	20	160.00
11/24/03	CI	TSA	00001156	140	140	1,120.00
12/ 1/03	CI	TSA	00001158	60	60	480.00
12/ 1/03	CI	TSA	00001159	20	20	160.00
12/ 1/03	CI	TSA	00001160	40	40	320.00
12/ 1/03	CI	TSA	00001161	10	10	80.00
12/ 2/03	CI	DUNHAM	00001157	36	36	288.00
12/ 3/03	CI	GSI	00001162	80	80	640.00
12/ 3/03	CI	COPELAND	00001163	120	120	900.00
12/ 3/03	CI	SPRTNMORE	00001164	24	24	192.00
12/10/03	CI	JUSTSOCCER	00001165	20	20	147.00
12/11/03	CI	JUSTSOCCER	00001167	20	20	160.00
12/11/03	CI	SCRMAGIC	00001168	20	20	160.00
12/12/03	CI	SPRTNMORE	00001166	24	24	192.00
12/16/03	CI	SPRTNMORE	00001169	20	20 _	160.00
			Total:	10496	10496 _	82,195.60
			TOTAL SALES:			82 195 60

TOTAL SALES:

82,195.60

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Christopher Evans, et al.

Exam. M. Aryanpour

Serial No.

09/493,871

Group Art Unit: 3711

Filed:

January 28, 2000

For:

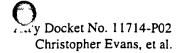
APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE

RULE 132 DECLARATION

The undersigned declarant, a co-inventor/co-applicant in the above identified application states:

- I have reviewed the above application and its parent as filed and amended
 including the proposed claims before the Examiner and all record references and
 PTO actions and state the following regarding the invention of the present
 application in relation to prior art.
- 2. The present invention as described and claimed comprises a soccer ball practice apparatus made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.

- 3. My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past. The presently recited invention provides a much closer approximation of normal game play than the systems of the cited art, while minimizing the possibility that a user's kick will dislodge the soccer ball from of training equipment. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. With the Ainscough et al. device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice. With the Moore device, a kicker may unintentionally pull the tent stake from the ground with her kick, the partial webbing/elastic band ball holding mechanism will not provide true ball motion, and its additional weight will further inhibit the ability to get "lift" under the ball.
- 4. My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below and in my previously-filed declaration. We are the Official Licensed Bungee Soccer Trainer of the U.S. Soccer Federation, the governing body of organized soccer in the United States.
- 5. We have previously provided information regarding the commercial success of our Soccer Edge® device in comparison to commercial embodiments of the Sowards and Ainscough, et al., inventions. Supplementing the previously-filed commercial success data is, appearing as Appendix A hereto, a Sales Analysis for the Soccer



Edge® device, reflecting over 10,000 units sold to eight customers as of September 2003. This list includes re-orders from customers, one of which has re-ordered units from us for three years. This further evidences the distinct contribution the described and presently claimed invention makes to the art.

- 6. The commercial success can only be attributed to merit of the product as apprised by these sophisticated retail customers. Our company cannot afford significant marketing/advertising. We have no sales employees. We have no leverage of other products to use to gain shelf space. The sales that occurred at the retail level were without any prompting of end users by us. We have had only 20 returns and no complaints at the end user level. (These situations if occurring would be likely come to our attention via the retail chains).
- 7. Provided as Appendix B hereto are copies of pages of the Sept.-Oct. 2003

 EurosportTM soccer equipment catalog reflecting currently marketed soccer kick practicing equipment. One of the non-rebounder devices shown is the PenaltymasterTM. The Directions for Use of the PenaltymasterTM (provided as Appendix C hereto) reflects the recognition on the behalf of its developers that straight pegs may be dislodged from the ground upon a kick. This also further evidences the fact that the described and presently claimed invention provides an unobvious solution (*i.e.*, the use of a spiraled tie down stake) to a problem still not recognized by some soccer trainer equipment artisans.
- 8. The art as a whole fails to recognize the need for strongly securing in a minimally-interfering way a retrieval-type soccer kick practicing device that provides realistic ball motion (i.e., lift and roll) and true 360° range of kicking ability. Each of the applied references fails individually and in the aggregate to do so. I incorporate my discussion of the Ainscough, et al., and Sowards references' failure to teach or suggest the presently claimed invention, made in my previous declaration and responses. The Moore reference depicts and describes only a

PHONE NO. : 6172670210

Oct. 14 2003 01:43PM P2

Arry Docket No. 11714-p02 Christopher Evans, et al.

"suitable anchor" consisting of a tent stake, and a ball holder mechanism comprised of four orthogonally arranged pieces of webbing and an classic band securing them to the ball. The former will not provide the sufficient securing force to accommodate stronger kickers, and the latter will not provide true soccer ball motion, as the presently claumed invention provides.

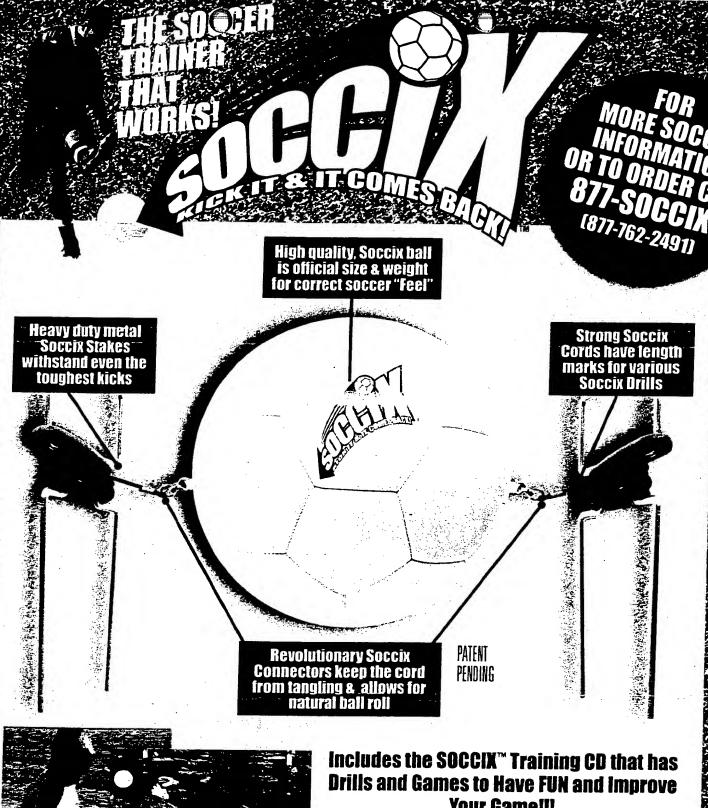
9. I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." The present invention also provides truer ball monon, absolutely necessary for young players developing their kicking skills.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: October 14, 2003

CHRISTOPHER EVANS





Your Game!!!

TECHNICAL

- First Touch
- Passing
- Receiving
- Shooting
- Preparing
- Clearing

PHYSICAL

- Conditioning
- Quickness
- Agility
- Strength
- Balance
- Coordination

GOALKEEPING

- Goalkicks
- Diving Saves
- Backpass
- Receiving & Clearing
- Bouncing Saves AND MORE!!!

Visit our website at WWW.SOCCIX.com

Why SOCCIX™ Is So Effective...

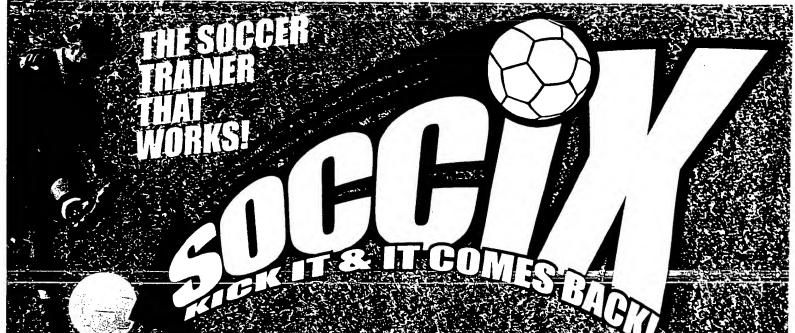
Soccix is the best soccer training device ever created. Soccix helps players develop the essential skills needed to play the game of soccer, and it's fun, so kids will use it. My experience as a professional player and coach for over 20 years has taught me that repetition and practice make better players, and players practice more on their own when it's fun. Soccix was developed to fit this need. Soccix will help players of all ages and levels learn and improve first touch techniques, shooting, passing, receiving, as well as improve foot-eye coordination, balance, agility, quickness and strength, through repetition. With Soccix, no time is wasted chasing and collecting errant balls. You kick it and it comes back. And, the Soccix drills and games are fun. Practice makes for better players, and Soccix makes practice fun!

Insome later

Issac Moushi Former Professional Soccer Player & Coach

THE SOCCER TRAINER THAT ISNROW





NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE February 9, 1989 Release # 89-014

Franklin Sports Recalls Baseball, Soccer Training Sets

WASHINGTON — Baseball and Soccer Trainer products which use either a metal stake or a metal spike to anchor the product to the ground are being voluntarily recalled by Franklin Sports Industries, Inc. of Stoughton, Mass., because they may pose a risk of injury if improperly used. The firm has had two reports of children being struck by the stake during unusual use.

In voluntary cooperation with the U.S. Consumer Product Safety Commission, Franklin Sports is recalling training products described as Model #1595 - Batting Tee with Return Ball Trainer; Model #1597 - Return Ball Trainer; and Model #1598 Complete Teeball Set.

Sold under the "Mike Schmidt" brand name, each baseball training product consisted, in part, of a three-inch rubber baseball labeled: "FRANKLIN POWER HIT RETURN BALL 1358 TAIWAN." The baseball is connected to an elastic string and was accompanied by an 8 1/2 inch metal ground stake.

Also being recalled is Model #1758 - Return Kick Soccer Skill Trainer. This set, which was sold without a soccer ball, included a soccer ball net connected to an elastic string accompanied by a 10 1/2 inch metal ground spike.

Consumers who have these items are asked to stop using them immediately and return only the stake/cord/ball or spike directly to: Stake Recall, Franklin Sports Industries, Inc., 17 Campanelli Parkway, Stoughton, Mass. 02072. For additional information, consumers may call Franklin Sports toll-free at 1-800-225-8647; Massachusetts residents may call 1-617-344-1111. Consumers will receive \$5.00 from Franklin Sports for the returned items.

Send the link for this page to a friend! The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than \$700 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard or can injure children. The CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the 30 percent decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at www.cpsc.gov/talk.html. Consumers can obtain this release and recall information at CPSC's Web site at www.cpsc.gov.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: C

Christopher Evans, et al.

Exam. M. Aryanpour

Serial No.

09/493,871

Group Art Unit: 3711

Filed:

January 28, 2000

For:

APPARATUS AND METHOD FOR SOCCER TRAINING AND PRACTICE

Rule 132 Declaration

The undersigned declarant, a co-inventor/co-applicant in the above identified application states:

- 1. I have reviewed the above application and its parent as filed and amended, including the proposed claims before the Examiner and all record references and PTO actions and state the following regarding the claimed invention of the present application in relation to prior art.
- 2. I incorporate herein by reference the contents of my previous declarations of 05 June 2002, 14 October 2003 and 15 June 2004 and their associated Appendices reflecting the commercial success data of our Soccer Edge® training device, which is an embodiment of the presently claimed invention, in comparison to commercial embodiments of the Sowards and Ainscough, et al., inventions. We have now sold over 36,000 units and have placed the devices for sale in over 1,000 stores currently. Many of these stores have requested re-stocking of our device, having sold out their initial allotments.
- Our sales of the SoccerEdge ® trainer have increased year-after-year since the product was first placed on the market. In the same time period, a number of competitors have marketed competing soccer trainers, such as the Star Kick[™], SoccerPal®, PenaltyMaster®, Soccix[™], Brine Skillmaster[™], and Kwik Kick[™], and Iso-Trainer[™] with no measurable diminution of our sales.
- 4. This commercial success can only be attributed to merit of the product as appraised by these sophisticated retail customers. The product essentially "sells itself", in that our company has undertaken no major advertising efforts such, for example, newspaper ads or infomercials, and remains without the resources or sales force of typical sporting goods companies, which employ marketing/advertising and the leveraging of other products to gain shelf space.
- 5. My co-inventor and I have had positive feedback from soccer coaches and in the market place as described below and in my previously-filed declaration. Our product (per the claimed invention) has been designated the Official Licensed Bungee Soccer Trainer of the U.S. Soccer Federation, the governing body of

organized soccer in the United States.

- 6. I have previously provided information regarding the aforementioned PenaltymasterTM and SoccixTM rebounding soccer trainers. The Soccix trainer utilizes two rubber loops clipped directly to the ball and attached to two croquet-style wickets, rather than the single rubber loop, ball net and wicket of the Penaltymaster trainer. Patents are apparently pending for both the Soccix and Penaltymaster designs, both of which are inferior to the claimed combinations of the present invention.
- 7. I have previously provided evidence of the comparative merits of the presently claimed invention in comparison to the Sowards' Kwik Kick Speed BallTM trainer and the Ainscoff trainer. As noted previously, the Ainscoff trainer was offered for sale on TV home shopping but was not a durable offering and can no longer be found for sale. The Kwik Kick Speed BallTM trainer had been selling at The Sports Authority until our Soccer Edge® training device was introduced to the market. The Kwik Kick is no longer for sale at The Sports Authority, while our product has been rolled out to all of their stores.
- 8. I previously indicated the comparative merits of our soccer trainer as compared to other products by referring to the recall announcement from the U.S. Consumer Product Safety Commission related to a Franklin Sports soccer trainer that employed a straight metal stake or spike to anchor the product. The risk of injury presented by the Franklin product, if obvious, would have been anticipated and prevented in the product's design (i.e., Franklin retrieved its straight stakes rather than replace them with spirals.) Yet another new rebounding soccer trainer has been introduced to the market with straight stakes, the Iso-Trainer soccer training kit (http://www.iso-trainer.com). Again, I assert that if the solution provided by our device to the problem of kicked soccer balls becoming dislodged from the ground were obvious, it would have been adopted uniformly by the industry.
- 10. The art as a whole fails to recognize the need for a combination of a combined elastic/inelastic line with a net carrier for the ball and a universally flexible means for strongly securing in a minimally-interfering way a retrieval-type soccer kick practicing device that provides realistic ball motion (i.e., lift and roll) and true 360° range of kicking ability. Each of the applied references fails individually and in the aggregate to do so. I incorporate my discussion of the Ainscough, et al., and Sowards references' failure to teach or suggest the presently claimed invention, made in my previous declaration and responses in the application of 14 October 2003 and 06 June 2002. The Moore reference depicts and describes only a "suitable anchor" consisting of a tent stake, and a ball holder mechanism comprised of four orthogonally arranged pieces of webbing and an elastic band

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securing them to the ball. The former will not provide the sufficient securing force to accommodate stronger kickers, and the latter will not provide true soccer ball motion, as the presently claimed invention provides.

- 11. The present invention as described and claimed comprises a soccer ball practice apparatus made as a combination of a tether line including an elastic section, a net container/securement for a soccer ball, a ground insertable/removable anchor unit as a spiral with an upper section and a handle which is turned for insertion of the spiral portion to enter the ground and to leave only an upper circular portion exposed, the tether line tied between the anchor means and the net, by a ring that rides on the circular portion of the anchor upper circle portion, a shackle interconnect or the like from the elastic portion of the tether line (and a swivel) to the ring to enable rotation of the tether line about its own axis. The kicked ball returns to the kicker, rolling back without material interference from the apparatus.
- 12. My co-inventor and I are familiar with soccer play and practice and the full range of commercially available training choices on the market, presently or in the past. The presently claimed invention provides a much closer approximation of normal game play than the systems of the cited art, while minimizing the possibility that a user's kick will dislodge the stake from the ground. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. The Ainscough et al. device does not allow a 360° range of kick up and over the device, as its support pipe and swiveling arm only allow 360 degree rotation about the axis of the pole; therefore, the player will not know if the ball would have traveled in the direction intended with the rise in trajectory desired, which defeats the purpose of practice kicking. The Moore device does not show a practice device that has a strong ground connection. With the Moore device, a kicker may unintentionally pull the tent stake from the ground with her kick (a potentially hazardous event as evidenced by the CPSC recall noted in paragraph 9), the partial webbing/elastic band ball holding mechanism will not provide true ball motion, and its additional weight will further inhibit the ability to get "lift" under the ball.
- 13. I have tested and observed, that using the present invention with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." The present invention also provides truer ball motion, absolutely necessary for young players developing their kicking skills.

FROM':

PHONE NO. : 6172670210

Feb. 22 2005 07:06PM P1

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: February 22, 2005

11714-P02_R132decl_022205

By:

CHRISTOPHER EVA

Related Proceedings Appendix

There are no related proceedings.

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